Humanitarian Interventions in the Light of the Principles of Peaceful Coexistence of States

Sergii Kuznichenko[1] * [0000-0002-5837-9880], Volodymyr Piadyshev[2] [0000-0002-5174-1891]

[1]*National Academy of Internal Affairs, Kyiv, Ukraine*
[2]*Odesa State University of Internal Affairs, Odesa, Ukraine*
*kuznichenko@ukr.net

ABSTRACT

Among the means of influencing some states to others, force operations are increasingly used under the slogan of protecting the population of the latter from numerous human rights violations. Their authors and actors call these operations "humanitarian interventions". However, there are still no clear universal criteria for determining the following: 1) numerous violations of which fundamental human rights should be considered grounds for humanitarian intervention; 2) there is no quantitative criterion - what is meant by " numerous" human rights violations; 3) there is no explanation - whether to consider the humanitarian intervention a violation of the principles of peaceful coexistence of states. Thus, there are no universal criteria for distinguishing between interventions for the benefit of the people suffering from human rights violations in the troubled state and interventions under the slogans of human rights protection in the troubled state aimed solely at serving the interests of the intervening state. The article offers approaches to answer these questions.

Keywords: *human rights, state sovereignty, humanitarian intervention, principles of peaceful coexistence of states, UN Security Council, international peacekeeping operation.*

1. INTRODUCTION

From ancient times the best minds of mankind have been asking the question: how to ensure justice and peace on earth [1]. These aspirations crystallized especially after the Second World War and were expressed in such international documents as the "Universal Declaration of Human Rights" adopted by the UN General Assembly in 1948 [2] and the "Principles of Peaceful Coexistence of States" adopted in 1975 [3].

However, as it turned out long ago, the issues of simultaneous peace and justice could be in stark contrast. It is as follows. On the one hand, the pursuit of justice requires to stop all the attempts to violate human rights. On the other hand, if numerous human rights violations take place in a neighboring state, the head of state has an alternative: either to ignore these violations (which is contrary to justice), or to intervene in order to put an end to these violations (which means war and, consequently, contradicts peacekeeping. In 1999, Kofi Annan, the UN Secretary-General, called relevant military affairs a "humanitarian intervention"

However, over time, another unpleasant circumstance turned out to be. Leaders of some states, wanting, on the one hand, to remain "fair" in the face of other states, and on the other hand, wanting to solve the problems of their country by invading the neighboring ones, began to abuse "humanitarian interventions." To this end, they unreasonably declared that there were numerous human rights violations in the neighboring country, and invaded that country to solve their country's problems.

Because of these problems, humanity has brought the following unresolved issues to the 21st century:

1) Which particular human rights numerous violations should be considered a humanitarian crisis, as well as a basis for humanitarian intervention?

2) What should be the quantitative criteria for human rights violations in the country to be considered a humanitarian crisis?

3) On what grounds should "humanitarian intervention" be distinguish from "pseudo-humanitarian

intervention" and from "humanitarian pseudointervention"?

4) Is it possible and how to resolve the contradictions between the need for humanitarian intervention and compliance with the principles of peaceful coexistence of states?

5) Can humanitarian interventions make sense in our time, when the institution of UN peace operations and, in particular, UN peacekeeping operations, has been established?

This article has the purpose to clarify these issues, and this determines its relevance.

The rest of the article contains the following sections: Section II, based on relevant literature, illuminates a number of issues, the solution of which will enable to determine the feasibility, factuality and legitimacy of each intervention, which claims the status of humanitarian; Section III reveals proposed solutions to these issues; Discussion Chapter IV discusses the feasibility and possible consequences of informing the world community about the human rights situation in the world, as well as the feasibility of humanitarian interventions in troubled countries;

Section VI offers general conclusions on the appropriateness and feasibility of humanitarian interventions as a means to rapidly stop multiple human rights violations in troubled states.

2. CURRENT SITUATION AND RELEVANT PUBLICATIONS

2.1. Basic human rights

As it will be noted below, the basis for humanitarian intervention may be a mass violation of human rights in a troubled state. The Universal Declaration of Human Rights has 30 articles [2]. It is easy to understand that the violation of not every of the rights listed in them in one state can be the basis for a decision by another state on humanitarian intervention.

Therefore, intending to normalize the process of assessing the appropriateness of a humanitarian intervention, it is necessary to determine: which human rights violations should be the basis for deciding or justifying a humanitarian intervention in the past and in the future. We will return to this question with our proposals in paragraph 3.1.

2.2. Information support on the intensity of violations of fundamental human rights in a troubled state

When trying to decide on the appropriateness (or inexpediency) of a humanitarian intervention and knowing which human rights violations are critical, it is also necessary to have, on the one hand, more or less reliable and up-to-date information on the number of such violations, and on the other – quantitative criteria (absolute and relative), in violation of which the situation should be considered critical. Today we have numerous ratings of states on poverty [4], corruption [5], crime rates [6], etc [7]. The availability of a global ranking of states on fundamental human rights violations should be the basis for making (or not making) a decision on UN international peacekeeping operation or humanitarian intervention by individual state, if suppression of mass fundamental human rights violations is required immediately. We will return to the proposals in this regard in paragraph 3.2.

2.3. Humanitarian interventions and principles of peaceful coexistence of states

Let's take a closer look at what is meant today by the term "humanitarian intervention". The term was introduced into international law by UN SecretaryGeneral Kofi Annan at a UN General Assembly session in 1999 [8]. However, the history of the issue dates back several centuries. In 1625, in a treatise on the law of war and peace, Hugo Grotius, considered the father of international law, pointed out that if a ruler who persecuted his subjects threatened their very existence, the community had the right to end these persecutions by force of arms [1].

But even with reliable information about human rights violations in the troubled state and the number of these violations, the question remains about the legitimacy of the intervention - that is, the legitimacy of the violation of the borders of another state. As already mentioned, after the Second World War, humanity began to worry about the exclusion of war from the future, and in 1975 in Helsinki were adopted "Principles of peaceful coexistence" [3]:

1. The principle of sovereign equality of states and respect for the rights conferred by sovereignty.

2. The principle of non-threat or use of force.

3. The principle of inviolability of borders

4. The principle of territorial integrity of states.

5. The principle of peaceful settlement of disputes.

6. The principle of non-interference in the internal affairs of states.

7. The principle of respect for human rights and fundamental freedoms, including freedom of thought, conscience, religion or belief.

8. The principle of equality and self-determination of peoples.

9. The principle of cooperation between states.

10. The principle of conscientious fulfillment of obligations under international law.

Comparing these principles, we see that some of them are complementary, but some are in contradiction with each other.

Figure 1 displays a chart of complementarity and contradictions of the principles of peaceful coexistence of states. Here, white arrows link complementary principles. But black arrows link conflicting principles. Thus, the question arises whether it is possible to carry out humanitarian intervention without violating the principles of peaceful coexistence of states. Because, for example, in an attempt to stop mass violations of fundamental human rights in a state where they are violated under the leadership of the government, and thus

uphold principle 7 (respect for human rights), principles 1 (sovereign equality), 6 (non-interference in internal cases), 3 (inviolability of borders) and 4 (territorial integrity) will *be simultaneously violated.*

Scientists today do not have a single opinion on this issue (to intervene or not to intervene). French scientists M. Betatti and B. Kushner insist on the need to intervene [9]. Some scholars strongly adhere to the opposite view.

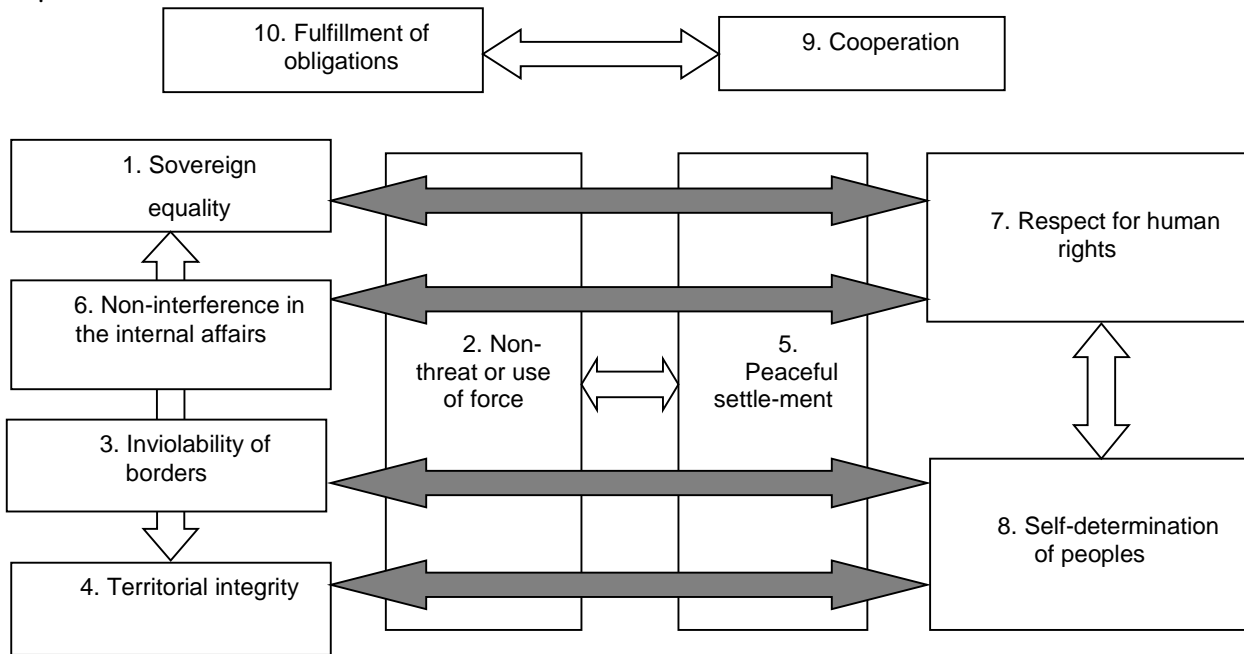The most rational solution, in our opinion, will be provided in subsection 3.3.

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Figure 1 Chart of complementarity and contradictions of modern principles of peaceful coexistence of states

2.4. *The difference between humanitarian interventions and other invasions*

The following interventions attract attention:

- 1971, India's invasion of Pakistan;

- 1975, the Indonesian invasion of East Timor

- 1978, Vietnam invades Cambodia

- 1978, Tanzania invaded Uganda

- 1983, the invasion of Grenada

- 1999, NATO invasion of Kosovo;

- 2003, the invasion of Iraq;

- 2011, NATO invasion of Libya; - others.

At the same time, the question remains as to which interventions should be considered valid humanitarian

and how they differ from others that also claim the title of humanitarian interventions. The answer to the question regarding the separation of humanitarian interventions from others is given in subsection 3.4.

3. SOLUTIONS PROPOSED

3.1. *Fundamental human rights, the level of disrespect to which is a criterion of the humanitarian crisis*

Thus, the formal basis for the humanitarian intervention of one state against another may be mass violations of human rights in the latter state, which area either neglected by its government, or are created under the leadership of this government. But at the same time, it is important which human rights violations are in question. It is clear that, for example, the temporary inability of the state to provide education or employment

to a certain category of persons cannot be a basis for humanitarian intervention, although these rights are listed in the Universal Declaration of Human Rights [2]. That is why we propose a definition of "fundamental human rights", the regular and massive violation of which can and should serve as a basis for humanitarian intervention: "Fundamental human rights are those that, once taken from a person, cannot be returned to him or her." This is primarily about the right to protection of life and health (in the sense of further disability).

3.2. Information support on the intensity of violations of fundamental human rights in a troubled state

It is clear that isolated cases of violation of fundamental human rights in a state cannot serve as a basis for humanitarian intervention against that state. So, on the one hand, we need actual quantitative data (how many violations of fundamental human rights occur over a period of time per thousand population). In addition, an analysis of well-known successful humanitarian interventions shows that in some cases to understand that a humanitarian crisis is beginning, it is not enough to have averaged data of the whole troubled state, but there are needed separate data of the troubled region, such as Kosovo in Serbia [10], East Timor in Indonesia [11], etc. On the other hand, in order to draw conclusions about the onset of a humanitarian crisis (and, consequently, the need to initiate a humanitarian intervention) on the basis of factual data, appropriate criteria are needed: how many fundamental human rights violations per thousand population should be considered the beginning of a humanitarian crises. Therefore, in order to eliminate double standards in relation to this or that state in providing legal basis for the beginning of humanitarian intervention against it, it is necessary, on the one hand, to create a reliable and permanent system of monitoring the level of respect for human rights in the countries of the world, and, on the other hand, to create an "International Code of respect for Fundamental human Rights," which will contain standard criteria for all, according to which the situation in a country should be clearly considered (or not considered) a crisis.

3.3. Resolving the contradictions between the principles of peaceful coexistence of states in the implementation of effective humanitarian interventions

Even the realization that an anthropogenic humanitarian crisis is beginning in one of the states as a result of its government does not provide a full basis for dropping the accusations of violating the principles of peaceful coexistence from a state that will intervene humanitarianly against a troubled state to end the humanitarian crisis. The fact is that by carrying out humanitarian intervention and thus contributing to support of the principle of respect for human rights and

the principle of the right of peoples to selfdetermination, the intervening State simultaneously violates another group of principles: peaceful settlement of disputes, refusal to use force in international relations, non-interference in internal affairs, inviolability of borders, territorial integrity.

The solution to this contradiction is that, according to the provisions of the so-called "people's sovereignty" [12], the government of the troubled state, neglecting the human rights of its citizens or subjects, or citizens (subjects) of another state or stateless persons on its territory, on its own (and first) violated the first group of these principles from inside, and the intervening state only helps to restore compliance with the first group of principles. Therefore, its violation of the second group of these principles is a necessary and therefore justified step towards this recovery.

3.4. Technology of separating of genuine humanitarian interventions from other interventions

Even the fact that the beginning of the intervention was fully justified by the factors listed in the subsections 3.1 - 3.3 does not guarantee that upon its completion the intervention would be considered as "humanitarian". In this sense, much depends on the results of this intervention. Our proposed system of separating "genuinehumanitarian interventions" from "pseudohumanitarian interventions" and from "humanitarian pseudo-interventions" can be implemented on the basis of their classification, which is determined by the following factors: true purpose, results, actors' composition, target composition, UN attitude, way of influence, way of assistance, as indicated in the Table "Classification of humanitarian interventions". The content of the Table easily explains the reasons for distinguishing "true humanitarian interventions" from "pseudo-humanitarian interventions" and from "humanitarian pseudo-interventions".

3.5. Expediency of humanitarian interventions compared to international peacekeeping operations.

What is the point of conducting humanitarian interventions today, when the United Nations, led by its Security Council, is working hard to protect the world from armed conflicts, with a number of UN peacekeeping mission operating simultaneously in the world? The fact is that the UN peacekeeping mechanism, in particular the organization of peacekeeping operations, is inherently rather cumbersome and inertial. It is formed not only by the services of the United Nations at all levels, but also by national contributors of military and police forces.The organization of such an operation involves a system of negotiations and quality checks of personnel trained. That is why, despite the recently organized UN standing forces [13], the humanitarian operation of an individual

state remains an order of magnitude more dynamic than the international operation. It should be noted that a state that properly organizes humanitarian intervention, although it cannot be legitimated by the UN at the beginning due to lack of time, must inform the UN Security

Table. Classification of humanitarian interventions

Classification feature	Genuine humanitarian interventions	Pseudo-humanitarian interventions & humanitarian pseudo- interventions
True purpose	Humanitarian purpose	Other purpose (humanitarian cover)
Results	Positive results	Negative results
Actors' composition	Unilateral; multilateral	
UN attitude	Not approved by UN	UN approved
Target composition	Classical (protecting all victims)	Sensu stricto (protecting citizens or subjects of intervening state only)
Way of influence	Military	Diplomacy; economy; reconstruction; development
Way of assistance	Support to emergency aid; protection of aid operations; protection of violence victims; defeating actors of violence	

Council about the start of the intervention. And when the UN Security Council concludes on the humanitarian nature and expediency of a meaningful intervention, it legitimizes it. However, due to the fact that many interventions that sought to have the status of "humanitarian", but actually served the purely interests of the intervening States, the term "humanitarian intervention" is considered to be compromised. That is why the genuine humanitarian interventions, after being legitimized by the United Nations, are being called "UN force operations".

4. DISCUSSIONS

Therefore, it is expected to collect large amounts of information in a short period of time for this. It will require the use of modern geospatial electronic technologies, such as [14]. It will also be necessary to use technologies to extract useful information from large amounts of open source data using the technologies described in [15].

As a result, large amounts of primary data will need to be processed. And for this purpose it will be necessary to apply technologies similar to those described in [16].

It is not necessary to prove that information of this kind is sensitive and should be protected from distortions. For this purposes it is necessary to use technologies similar to those described in [17].

Given the general trend of the modern world towards further democratization, it is advisable to provide universal access to this information to the general population. The latter will result in a double effect. First,

the beginning of a possible humanitarian intervention (if it is legitimate) will already be justified in the eyes of the world community. Secondly, it is quite probable that the need for this humanitarian intervention will disappear, as the government of the troubled state, having read the rating of human rights in its state, will realize the proximity of humanitarian intervention against it and radically change its operating style in the troubled region.

5. CONCLUSIONS

In the modern world, as always, states strive to ensure their interests through their international activities, trying to present this activity to the world community as humanitarian, which in fact is not always such. However, there are cases when the intervention is fully consistent not only with the national interests of the state that implements it, but also with the vital interests of the population, which in a troubled state suffers from mass violations of fundamental human rights. Given that humanitarian intervention remains the fastest way to end the suffering of the populations of troubled countries as a result of violations of fundamental human rights, it is expedient to timely carry out the necessary research in order to encourage genuine humanitarian interventions, as well as to identify and stop pseudo-humanitarian interventions that ensure the interests of the intervening states against the interests of population in troubling states.

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